

COUNCIL MINUTES
DECEMBER 11, 2013

The City Council held a meeting on Wednesday, December 11, 2013, at 5:30 p.m., in the Council Chambers, 10 North Main Street, Cedar City, Utah.

MEMBERS PRESENT: Mayor Joe Burgess; Councilmembers: Ron Adams; Nina Barnes; John Black; Paul Cozzens; Don Marchant.

STAFF PRESENT: City Manager Rick Holman; City Attorney Paul Bittmenn; City Engineer Kit Wareham; City Recorder Renon Savage; Finance Director Jason Norris; Fire Chief Paul Irons; Leisure Services Director Dan Rodgerson; Street Superintendent Jeff Hunter; Grounds Maintenance Worker for Golf Tyler Bradshaw; Golf Pro Jared Barnes.

OTHERS PRESENT: Betsy Carlile, Tom Jett, Jace Burgess, Bev Burgess, Jayme Payne, Terry Irons, Maile Wilson, Logan Childs, Jared Taylor, Reece Brown, Jarom Minkler, Josie Comp, Kelin Bleazard, Brock Shipp, Courtney Carpenter, McKenna Hugh, Drew Kennedy, Ashley Linford, Maddie Cull, Kristie Hill, Ryan Hill, Keith Barnes, Kenyon O'Driscoll, Brakkon Garrett, Bryan Neria, Keith Pendery, Tracie Sullivan, Doug Hall, Fred Rowley, Jaren Forsyth, Dylan C. Stubbs, Joshua B. Borrego, Samuel Sanders, Georgia Beth Thompson.

CALL TO ORDER: Councilmember Marchant gave the opening prayer; the pledge of allegiance was led by Mayor Burgess.

AGENDA ORDER APPROVAL: Councilmember Black moved to approve the agenda order; second by Councilmember Cozzens; vote unanimous.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF COMMENTS: ■ Mayor Burgess presented a plaque to Councilmember Barnes for her service over the past 8 years, not just council, but other aspects. She has been a member of Parks & Recreation Board for over a decade. She was a key player in the organization & fund raiser of Park Discovery; she played a key role in the Development of the Veteran's Park; instrumental of raising awareness and support for the bonding of the Aquatic Center. She played a part in getting the trails plan and the master plan for the Parks. She was involved in securing funds from donations and sponsors for the amenities at the Aquatic Center., and helped come up with resources to turn the Lake at the Hills into a recreation facility, not just a water storage facility. Nina was also instrumental in getting the Main Street Park fence. She played a big role with the RAP Tax funds and was passionate about where the funds were spent. She has been a great advocate of SUU, served on the local board and now a member of the Regents and will be a great asset to the University and all of us including Dixie State. Thank you for your service. ■ Marchant – thank you to anyone involved in Angel Flight at East Elementary, including our Police and Fire Departments, the Leavitt Group and Mark Leavitt for the use of the Hangar; JoAnne Brattain and Eagle Scouts that collected funds and collected gifts, it was

a positive thing for our community. Also, to Tom Jett for celebrating his 55 birthday, wish him a happy Birthday. ■ Cozzens – I want to tell Nina how much I have appreciated her and her perspective on the Council. Also, to Joe for his service, one of the wisest businessman I have ever known, thank you. ■ Employee of the Month Jeff Hunter – Tyler Bradshaw, EAC Chair – Jeff of Street Department was nominated by a Corey Childs, Fleet Maintenance Manager. He said that Jeff is a great leader and motivator, and is someone that gets things accomplished. Ryan indicated that he finds him to be attentive to his job and willing to talk with residents about their concerns. He is a native of Cedar City and graduated from CHS. Jeff & his wife Laurie have 8 children in the blended family. In Jeff's spare time he enjoys hunting and skiing. ■ Kit –update on South Interchange, remember I am the messenger. They are getting to final stages of the scope of the project and the costs, by the end of next month it should be finalized. They are running in the red and won't have the money to fund everything and are looking to trim and asked everyone in the group to trim some, contractor, engineers and design and to us to see if we would be willing to look at two things to trim, one would be the mountain scenes on the structures and the decorative fence on the fly over. They want some ideas, they have suggested power coated chain link fence. Also painting the mountain scenes, but they can't paint on the fly over. It is not definite, but is looking like we will. They indicated that all soft scape is in the alternate bid and it doesn't look like there is money for that. The fence, mountain scene, painting of structures, poles was all in the base bid. If you have ideas on things we could modify on the fence or the mountain scenes let me know and I will pass them along. Mayor – the only thing I could think about was with the fence, it was about \$70,000, it is 3' on top of a 3' par afoot, maybe we could fund that through the trail. Barnes – I would support that, the visibility of Cedar City is I-15, this is now the standard, the nice interchanges and if we have one that is water downed it does not portray us well. Maybe the TRT Tax money could go there. Mayor – I am sick about it, they really want us to come up with the money. Marchant – I have a hard time concealing my disgust with UDOT and I wish they had what it took to set on the chairs and tell us this themselves instead of sending Kit. If you want to see a finished project, go to St. George. They need to have some good reasons. Black – the project in St. George, if they have savings can the move the money north? Kit – I don't know how that works. They have done that on projects within the area. Barnes – are other projects being asked to cut? Kit – each project has its own budget. Mayor – UDOT gets the contractor on board and they set the budget, it is like writing the test and then taking it after. I don't know how they can be stewards of the money and then not put them out to bid. Kit – our project is not being cut. Mayor – we have a budget and they are telling us that they know it will go over budget. I wish we had competitive bidding. Barnes – if you look down the road is it worth the investment? Mayor – it is if we have the money. With it being a trail we can use RAP Tax and TRT tax money. Keep in mind that UDOT moved the project from 30 years down the road to now. It took some work on our part, part because we became partners. I am not condemning UDOT, but I don't like how they bid because it is not competitive.

PUBLIC COMMENTS: ■Tom Jett – Thank you for clearing the access on Main Street, it is nice to walk in a local restaurant and be able to get in. Also, I have been coming for a lot of years, from the last 3 mayors and I didn't know Nina very well 8 years ago, and it

has been wonderful watching her. I remember people thinking the earth was going to cave in when we had 3 women on the Council. I don't look at her as a woman, but a councilmember. With Mayor Burgess I watched Shirley get upset with the public and Mayor Sherratt getting irritated, but in the last 4 years I have not seen that, he hasn't yelled, I am sure frustrated, but he has not exhibited that, he is always calm, cool and professional and that is classy. It is your job to take the beating from the public, but you have always been a class act. I won't stop coming, it will be a new world, but it is exciting. I wish you both the best, and I know you will both be involved in the community. Thank you. ■ Barnes – express my appreciation for the process and the form of government we enjoy that we can be a part of the community and make a difference in the lives of those that live here. I have also appreciated the calm demeanor you (Mayor Burgess) have provided us and the businessman you have brought. I also want to thank the staff, particularly those that come each week. We have a fine, fine staff that spends their lives promoting Cedar City. As well as past councils, even though we have differences, there is a unity and a core in working to each other. There are moments we are on each other, but we unite and come together. Thank the community for allowing me to represent them. I feel a stewardship of responsibility and I share that with other elected officials. I am not from here, but serving has given me a great sense of place. When we moved here, Keith and I picked this community without a job, I walk away with a sense of place. Thank you, it has been a pleasure serving with all of you.

CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED NOVEMBER 20 AND DECEMBER 4, 2013; (2) APPROVAL OF BILLS DATED DECEMBER 5, 2013; (3) APPROVE A BEER LICENSE FOR CEDAR RIDGE GOLF SHOP – JARED BARNES; (4) APPROVE BID FROM UTAH LOCAL GOVERNMENTS TRUST IN THE AMOUNT OF \$106,006.51 FOR WORKERS COMPENSATION INSURANCE – NATASHA HIRSCHI; (5) APPROVE THE REVISED COOPERATIVE AGREEMENT WITH UDOT ON CITY FUNDING FOR THE SOUTH INTERCHANGE RECONSTRUCTION PROJECT – KIT WAREHAM; (6) APPROVE AN AGREEMENT WITH UDOT FOR A LOAN THAT WILL ADVANCE THE PAYMENT OF CITY FUNDING FOR THE SOUTH INTERCHANGE RECONSTRUCTION PROJECT – KIT WAREHAM; (7) APPROVE BID FROM SCHMIDT CONSTRUCTION IN THE AMOUNT OF \$140,150 FOR THE SOUTHERN VIEW SUBDIVISIONS ROCK RETAINING WALL AND COVE DRIVE LANDSCAPE RETAINING WALL PROJECT – KIT WAREHAM; (8) APPROVE AGREEMENTS FOR THE SOUTHERN VIEW SUBDIVISION ROCK WALL PROJECT – JONATHAN STATHIS; (9) APPROVE THE 2014 MEETING SCHEDULE – RENON SAVAGE;

Councilmember Cozzens moved to approve the consent agenda items 1 through 9 as written above; second by Councilmember Barnes; vote unanimous.

CONSIDER A RATE SCHEDULE AGREEMENT WITH PROJECT MEDIA 256 – BYRON LINFORD: Paul – is this a written agreement? Mayor – yes. Have you not seen it? Paul – no. I don't want to hold him up, but we would like to read it first.

Mayor Burgess pulled this item from the agenda..

**APPROVE A RESOLUTION AMENDING THE PERSONNEL POLICY
RELATED TO SOCIAL MEDIA AND ELECTRONIC EQUIPMENT – PAUL**

BITTMENN: Cozzens – I had feedback from a community member about someone posting a comment that we may want to take a screen shot and email to the council. Barnes – who decides what is automatically deleted, how do we monitor. Paul – the policy gives guidelines to what is removed, if it is not with the main conversation, profane or illegal act, and some language that would embarrass others. We can amend to retain the information and disclose it to the Council, or does the Council want to see everything that is deleted. Cozzens – I don't know how often people post. We don't want anything offensive. Paul – if it is a criticism we leave it on. Rick – a legitimate complaint we would respond and let the council know. Barnes – if it is clear cut guidelines, we just don't want to sensor. Paul – the Department Head is responsible for the social media page. Cozzens – if someone complains about the Aquatic Center, we want to respond to it and have a record of it.

Councilmember Cozzens moved to approve the resolution amending the Personnel Policy related to social media and electronic equipment; second by Councilmember Adams; vote as follows:

AYE: 5
NAY: 0
ABSTAINED: 0

**APPROVE AN ORDINANCE AMENDING CITY ORDINANCE SECTION 35-10,
PARKING RESTRICTIONS – PAUL BITTMENN:** Paul – no new no parking zones, we are consolidating into one spot.

Councilmember Marchant moved to approve the ordinance amending Section 35-10, parking restrictions; second by Councilmember Adams; vote as follows:

Ron Adams	-	AYE
Nina Barnes	-	AYE
John Black	-	AYE
Paul Cozzens	-	AYE
Don Marchant	-	AYE

**APPROVE THE SIGNING OF THE CRITICAL INCIDENT TASK FORCE
PROTOCOL BETWEEN CEDAR CITY POLICE DEPARTMENT AND OTHER
IRON COUNTY LAW ENFORCEMENT AGENCIES – CHIEF ALLINSON:**

Paul – the Chief was going to make some suggested changes in the nature of record retention and liability of employees. The idea is if there is an incident with officer involved shooting it would pull together trained investigators, each entity will retain control over their own employees, just pull together for the County Attorney's office.

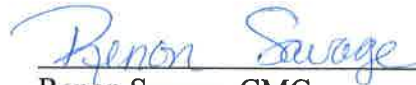
Barnes – I have questions about transparency, what will be there for the public, during and after and would it be prudent to have a liaison with an elected official to have community eyes or involvement as part of the group. Paul – the AG's office has jurisdiction over the criminal acts, it is on anything we do, they can petition the AG's office to take a second look. Also, things we do implicate civil rights and they can petition the federal government to have oversight. The issue to have a council member involved, the job they are doing is an active investigation and I don't think the Council, staff or public have those skills, they are trained to do this. When an investigation is closed it is a public record. Barnes – a citizen can GRAMA it? Paul – yes. Cozzens – if there is an incident with Sheriff Department and they pull in our staff, who pays the overtime? Paul – under this program, everyone is on their own, same if the County contributes, they pay. Another thing you might consider, we have a SWAT Team and it is an interagency team and if they get called to an incident in Cedar the Sheriff Department pays their guys, same if we go to a County incident. Mayor – I don't know how we can be a part of that. Adams – the public input is the fact that they are getting investigated by their peers. Paul – they are pros and trained and we would get in their way. Barnes – this is with each community. Mayor – we have always done that. Paul – sometimes it is St. George, but these agreements are being utilized all over. Mayor – we have done the same thing but on an individual basis. Cozzens – I can see the wisdom of pulling someone from St. George or Beaver. Paul – this policy is just Iron County. Mayor – if it was something that would cost us thousands of dollars we could look at something else. Paul – a few more layers of accountability, Scott Garrett, County Attorney is elected and is part of the task force and will be involved in screening. The AG's office also and Bob Allinson is accountable to you, all agencies report to an elected body.

Councilmember Marchant moved to approve the protocol between Cedar City Police Department and the Iron County Law Enforcement Agencies; second by Councilmember Cozzens; vote unanimous.

REVIEW AND EVALUATE CEDAR CITY ORDINANCE CHAPTER 39, CITY FUNDING REQUEST ORDINANCE – COUNCILMEMBER BARNES: Rick – since I wasn't here last week, yesterday, Nina, Don, Paul and Dan met and we feel we should reevaluate how we apply the next ten years of funds. We would like to bring suggested guidelines and bring feedback on more specific direction so we use the funds in the best way possible to meet City and community goals. The ordinance now talks about how we do things; we want to talk about why we do things so the community can see the direction we want to go. Barnes – we talked about it being our second go around, if we were given \$4 million to spend in our community how would we invest it different than we do the RAP tax. It is a great idea to plan to invest wisely and accomplish larger or long term goals. Cozzens – I thought it was good to involve a councilmember on the board. Rick – we thought if we bring guidelines so as we ask people to do their job they have suggestions. Barnes – it will be helpful to the members of the boards.

EXECUTIVE SESSION – PROPERTY NEGOTIATIONS:

ADJOURN: Councilmember Barnes moved to adjourn at 6:20 p.m. and move into the executive session; second by Councilmember Cozzens; vote unanimous.



Renon Savage, CMC
City Recorder